

APPEAL NO. 042455
FILED NOVEMBER 10, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 26, 2004. The hearing officer determined that the appellant's (claimant) compensable injury does not extend to or include right carpal tunnel syndrome, right cubital tunnel syndrome or C6-7 radiculopathy.

The claimant appealed, basically on sufficiency of the evidence grounds, citing medical evidence that would support her position. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant, a cook, slipped on some ice going into a freezer and fell striking her right elbow on the freezer door on _____. Some of the mechanics of the fall are disputed. The claimant continued to work at her regular duties until February 24, 2004, when she first sought treatment at a hospital emergency room (ER). The initial medical reports refer principally to a right elbow injury (the February 24, 2004, ER report also mentions upper extremity pain). The hearing officer commented in the Background Information portion of his decision that the claimant had not established that the compensable injury "was anything except a bump on the elbow."

There was conflicting evidence and the question of the extent of an injury presented a factual determination for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET, SUITE 300
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge